



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,981	10/27/2000	Babak Rezvani	COR185	8295

21831 7590 04/08/2005

STEINBERG & RASKIN, P.C.
1140 AVENUE OF THE AMERICAS, 15th FLOOR
NEW YORK, NY 10036-5803

EXAMINER

TRAN, PHILIP B

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,981

Applicant(s)

REZVANI ET AL.

Examiner

Philip B Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-30 is/are allowed.
- 6) ☒ Claim(s) 1-8, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 9-10 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Amendments

1. This office action is in response to the Amendment filed on November 12, 2004. Claims 1-33 have been amended. Therefore, pending claims 1-33 are presented for further examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 recites the limitation "the system" in line 4 [see preamble]. There is insufficient antecedent basis for this limitation in the claim. Is that "the service broker system" it refers to ?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 8 and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Page et al (Hereafter, Page), U.S. Pat. No. 5,329,619.

Regarding claim 1, Page teaches a service broker system (= service broker 14) [see Fig. 2 and Abstract] for interactive monitoring and control of data to and from computers and Internet enabled devices of a client/server system over the Internet for processing data from a data network (= managing service requests from, and

responsive services provided by, a plurality of clients and servers (communication via LAN or WAN) in the heterogeneous environment with implementation of TCP/IP Internet-enabled protocol) [see Abstract and Col. 4, Lines 23-41 and Col. 6, Lines 19-36] including at least one data source (= server 12) [see Fig. 2 and Abstract], the system comprising :

a first communication module (= initialization routine) for initiating communication with a moderator (= manager such as communication manager/virtual store manager) and adapted to receive data from the moderator (i.e., establishing the broker environment, obtaining the necessary storage, initiating various control blocks, queues and tables, setting up a virtual address entry structure for the virtual storage manager, etc.) [see Col. 16, Lines 26-39 and Col. 28, Lines 41-52];

a second communication module (= dispatcher) for sending data to at least one of the data source and the moderator (= manager) (i.e., activating worker components and various managers and passing requests to the worker components for processing) [see Col. 16, Lines 45-66];

a service-action module (= worker components) for processing the received data and for performing a task based on the processed data (i.e., processing participant requests) [see Col. 16, Lines 40-44]; and

an export module (= part of worker components) in communication with the service-action module and for publishing data (= sending data) based at least in part on the performed task to the data network (i.e., worker components consist of all routines that deal with the various functions such as register, send , receive, etc.) [see Col 16,

Lines 40-44]. This suggests that after receiving data requests, worker components process the received data requests and then store and send/forward data request (publish data) to the server (data source) [see Fig. 6 and Abstract and Col. 16, Lines 40-44].

Regarding claim 2, Page further teaches the published data is published to at least one of the data source and the moderator (i.e., after receiving data requests, worker components process the received data requests and then store and send/forward data request (publish data) to the server (data source)) [see Fig. 6 and Abstract and Col. 16, Lines 40-44].

Regarding claim 3, Page further teaches the moderator includes a data store (i.e., managing the available storage and ensuring efficient use of the available storage in a changing environment) [see Col. 28, Line 47-52] and the first communication module receives data from the data store (i.e., obtaining the necessary storage) [see Col. 16, Lines 26-39].

Regarding claim 4, Page further teaches the data store stores data received from the at least one data source (i.e., maintaining relevant information and parameters in several links data structure including control blocks, tables and queues) [see Figs. 6 & 7G & 8 and Col. 19, Line 59 to Col. 20, Line 2 and Col. 45, Line 64 to Col. 46, Line 17].

Regarding claim 5, Page further teaches the data store is a command queue (= message queues) and the data received from the data source is a command which is intended to be processed by the service-action module (= a worker component) (i.e., a worker queue structure is used to pass requests to the worker components and worker components are responsible for the processing of participant requests dealing with various functions such as register, send, receive, etc.) [see Col. 16, Lines 40-44 and Col. 16, Lines 66-67], the first communication module receiving the command from the queue (i.e., maintaining relevant information and parameters in several links data structure including control blocks, tables and queues and message queues are arranged as a linked list like the control blocks) [see Figs. 6 & 7G & 8 and Col. 19, Line 59 to Col. 20, Line 2 and Col. 23, Lines 58-60 and Col. 45, Line 64 to Col. 46, Line 17].

Regarding claim 8, Page teaches the performed task comprises communicating a command based at least in part on the processed data to a device connected to the service broker (i.e., worker components are responsible for the processing of participant requests dealing with various functions such as register, send, receive, etc.) [see Figs. 6 & 7G & 8 and Col. 16, Lines 40-44].

Regarding claim 31, Page further teaches the first communication module (= initialization routine) is capable of handling a device identifier (i.e., establishing the broker environment, obtaining the necessary storage, initiating various control blocks, queues and tables, setting up a virtual address entry structure for the virtual storage

manager, etc. [see Col. 16, Lines 26-39 and Col. 28, Lines 41-52] and service control block (SCB) and conversation control block (CCB) are created including IDs [see Col. 19, Line 66 to Col. 20, Line 65]).

Regarding claim 32, Page further teaches the first communication module (= initialization routine) is capable of handling a class of device identifiers (i.e., establishing the broker environment, obtaining the necessary storage, initiating various control blocks, queues and tables, setting up a virtual address entry structure for the virtual storage manager, etc. [see Col. 16, Lines 26-39 and Col. 28, Lines 41-52] and service control block (SCB) and conversation control block (CCB) are created including IDs [see Col. 19, Line 66 to Col. 20, Line 65]). This is a service broker system for clients and servers operating in a heterogeneous computing environment [see Abstract and Col. 1, Lines 9-11] and thus it suggests that the first communication module (= initialization routine) is capable of handling a class of device identifiers (= multiple devices wherein each device has an ID).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Page et al (Hereafter, Page), U.S. Pat. No. 5,329,619 in view of Jeske, U.S. Pat. No. 5,974,443.

Regarding claim 6, Page does not explicitly teach the first communication module communicates with the moderator via the HTTP protocol. However, Page does suggest the use of client/server environment with TCP/IP protocol [see Page, Col. 1, Lines 8-63].

Jeske, in the same field of client/server network environment endeavor, discloses the use of HTTP protocol as communication protocol between client and server [see Jeske, Fig. 1 and Col. 2, Line 54 to Col. 3, Line 7]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate implementation of HTTP protocol for communicating between client and server, disclosed by Jeske, into the system of a service broker for processing data between client and server in a data network as disclosed by Page, in order to enhance the system by extending the use of transaction and accessing information over the World Wide Web environment with a simple request/response command like URL.

Regarding claim 7, Page does not explicitly teach the data source communicates with the moderator via the HTTP protocol. However, Page does suggest the use of client/server environment with TCP/IP protocol [see Page, Col. 1, Lines 8-63].

Jeske, in the same field of client/server network environment endeavor, discloses the use of HTTP protocol as communication protocol between client and server [see Jeske, Fig. 1 and Col. 2, Line 54 to Col. 3, Line 7]. It would have been obvious to one of

ordinary skill in the art at the time of the invention was made to incorporate implementation of HTTP protocol for communicating between client and server, disclosed by Jeske, into the system of a service broker for processing data between client and server in a data network as disclosed by Page, in order to enhance the system by extending the use of transaction and accessing information over the World Wide Web environment with a simple request/response command like URL.

Allowable Subject Matter

8. Claims 11-30 are allowed.

Claims 9-10 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. A new Declaration, bearing signatures of all of the inventors, is required to be submitted.

10. A Terminal Disclaimer has been received and approved.

11. Applicants' arguments have been fully considered but they are not persuasive because of the following reasons:

Page teaches a service broker system (= service broker 14) [see Fig. 2 and Abstract] for interactive monitoring and control of data to and from computers and Internet enabled devices of a client/server system over the Internet for processing data from a data network. That is, managing service requests from, and responsive services provided by, a plurality of clients and servers (communication via LAN or WAN) in the

heterogeneous environment with implementation of TCP/IP Internet-enabled protocol [see Abstract and Col. 4, Lines 23-41 and Col. 6, Lines 19-36] including at least one data source (= server 12) [see Fig. 2 and Abstract], the system comprising a first communication module (= initialization routine) for initiating communication with a moderator (= manager such as communication manager/virtual store manager) and adapted to receive data from the moderator. For example, establishing the broker environment, obtaining the necessary storage, initiating various control blocks, queues and tables, setting up a virtual address entry structure for the virtual storage manager, etc [see Col. 16, Lines 26-39 and Col. 28, Lines 41-52].

Page further teaches a second communication module (= dispatcher) for sending data to at least one of the data source and the moderator (= manager). For example, Page discloses activating worker components and various managers and passing requests to the worker components for processing [see Col. 16, Lines 45-66]. In addition, Page further teaches a service-action module (= worker components) for processing the received data and for performing a task based on the processed data. That is, processing participant requests [see Col. 16, Lines 40-44] and an export module (= part of worker components) in communication with the service-action module and for publishing data (= sending data) based at least in part on the performed task to the data network. That is, worker components consist of all routines that deal with the various functions such as register, send, receive, etc [see Col 16, Lines 40-44]. This suggests that after receiving data requests, worker components process the received

data requests and then store and send/forward data request (publish data) to the server (data source) [see Fig. 6 and Abstract and Col. 16, Lines 40-44].

Applicant argued that applicants' invention relates to a service broker system and method for processing data from a data network, namely, interactive monitoring and control of data to and from computers and Internet enabled devices of a client/server safety system over the Internet. Applicants' scheme delivers data to receivers that is extraordinarily light-weight, in terms of processing and hardware requirements, does not require an always-on connection, and eliminates safety risks associated with conventional embedded server systems. There is no disclosure or suggestion of operation over Internet or Internet enabled devices, as claimed by applicants.

Applicant is reminded that the features upon which applicant relies on are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments, the recitation "a system for interactive monitoring and control of data to and from computers and Internet enabled devices of a client/server safety system over the Internet" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to

stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

The examiner respectfully disagrees with applicants' argument that there is no disclosure or suggestion of operation over Internet or Internet enabled devices in cited reference. In fact, Page clearly discloses each participant that requests a service from, or provides a service to, another participant must communicate with the service broker (14) provided by communication network (22) and communication between devices across a LAN or WAN takes places over a physical medium and is arranged according to a physical communication protocol (40) including TCP/IP [see Col. 6, Lines 19-36]. With this disclosure, Page does teach or suggest of operation over Internet or Internet enabled devices because TCP/IP (Transmission Control Protocol/Internet Protocol) is a based protocol for Internet network.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as shown above. With respect to Page, applicant seems to argue points the examiner has already construed Page does not explicitly teach while restricting the arguments on the Page/Brackett combined to arguments of no motivation.

Therefore, the examiner asserts that cited references teach or suggest the subject matter broadly recited in independent claims. Dependent claims are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth above. Accordingly, claims 1-8 and 31-32 are respectfully rejected. Claims 9-10 and 33 are objected and claims 11-30 are allowed over prior arts of record with filing of Terminal Disclaimer.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Philip Tran
Philip Tran
Art Unit 2155
March 31, 2004

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER